

The TANF and Child Support Connection

(With Regards to Tribal TANF Programs)

1) What is the Connection Between State TANF and Child Support?

Federal Law requires the State TANF program to refer cases to the Division of Child Support (DCS) to provide child support services. DCS opens a child support case (IV-D case) for every Non-Custodial Parent (NCP) associated with a Custodial Parent's (CP) child. Sometimes children in the same home have different NCPs associated with them, for example, they may have a different fathers. In these circumstances DCS will open a separate IV-D case for each NCP.

Each State referral includes:

- A Referral form (i.e. ***Child Support Referral***), which contains identifying information about the NCP, CP, and children; and
- An Assignment form* (i.e. ***Public Assistance Assignment*** form), in which the CP agrees to assign child support rights to DSHS (State of Washington).

Assigning support means that the CP agrees that DSHS can keep the child support to pay the state and federal governments for assistance paid for the CP's family.

*Exception: If support enforcement actions may result in harm to the child or CP, the CP may claim good cause not to cooperate with DCS's actions. Good Cause exemptions are determined by the State Community Service Office.

2) What is the Connection Between Tribal TANF and State Child Support?

Federal Law does not require child support assignment as a condition of eligibility for Tribal TANF (TTANF). Federal Regulations address the following child support issues:

- 45 CFR 286.75: Tribes may require cooperation with child support enforcement agencies as a condition of eligibility. Good cause and other exceptions apply.
- 45 CFR 286.155: For Tribes choosing to condition TTANF eligibility on assignment of CS, the TFAP must address: 1) Procedures to ensure excess child support collected is not retained by the tribe, and 2) How child support amounts assigned and retained by the Tribe will be used for the TTANF program.

Most Tribal TANF Programs require an assignment because child support is often a key component for families to become and remain self-sufficient.

3) Could DCS Have an Open Child Support Case if the Family isn't Currently Receiving State TANF?

Yes. DCS may have an open IV-D case(s) involving the family if the CP received public assistance in the past, or if the CP requested non-assistance services from DCS. When opening a new Tribal TANF case, it is important for Tribes to find out if DCS has an open IV-D case so that child support is correctly distributed.

4) What is Needed for DCS to Forward Child Support Payments to a Tribe on Tribal TANF Cases?

- A tribal child support assignment signed by each CP (i.e. *TANF Assignment – Tribal*), in which the CP agrees to assign child support for all children to the Tribe.
- If a Tribe wants DCS to establish and/or enforce child support on New (family never received State TANF) Tribal TANF cases, DCS will also need a referral form (i.e. *Child Support Referral – Tribal*), signed by the CP for each NCP associated with the children on the case.
- A DSHS 18-606 form (*Authorization for Receipt of Electronic Funds Transfer - Tribal Child Support Programs*). DCS sends child support payments to other States and Tribes via an Electronic Funds Transfer (EFT) payment. Payments sent by EFT will reach jurisdictions several days earlier than payments sent by mail. DCS needs tribal authorization, bank name and address, and checking account number, to transfer funds to your tribe's bank account. This form only needs to be submitted once, unless there are changes to the EFT account bank name, address, checking account number, or the contact person changes. **It is not necessary to submit one for each case referred.**
- One (or two) email addresses. DCS electronically notifies Tribal TANF programs of EFT child support deposits by sending an email to the TANF program.

5) What Other Tribal TANF & Child Support Issues Need to be Addressed?

A Memorandum of Agreement (MOA) between the State (DCS) and the Tribe is strongly recommended to address additional issues such as:

- Does the Tribe want DCS to provide child support services involving new Tribal TANF recipients? If so, what services?
- What information needs to be shared and within what timeframes (i.e. Referrals/ Assignments, Tribal TANF terminations, changes in a custodian, good cause determinations, birth/emancipation of a child, address changes, etc.)?
- How will DCS and a Tribe communicate and share critical information with each other?
- What are the respective roles of the Tribe (TANF Program, Business Council, Accounting) and the State (State Tribal Relations Unit, Community Services Office, DCS Regional Tribal Unit)?

- How will the Tribe and the state address child support distribution issues (i.e. payment record keeping, application of child support payments after Tribal TANF terminates, etc.)? As a reference, see the document *Considerations for Distribution of Child Support / Accounting Systems for Tribes* and the sample *Payment Record*.

A Child Support MOA (if even interim-only) will help ensure efficient, accurate and timely child support services. (As an example, see the **Model Memorandum of Agreement** modeled after previous Tribal TANF Agreements).